

REMARKS

The present response is filed with a Request for Continued Examination (RCE), and is to the Office Action mailed in the above referenced case onto the Office Action mailed in the above-referenced case on May 02, 2005, made Final. Claims 16, 18, 19 and 21 are presented below for examination. The Examiner has rejected claims 16 and 19 under 35 U.S.C. 102(e) as being anticipated by Eggleston et al, (US 5,958,006) hereinafter Eggleston. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston in view of Wicks et al. (U.S. 5,949,326), hereinafter Wicks.

Applicant has carefully studied the prior art references cited and applied by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response to the Examiner's above merit rejections, applicant herein amends the claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable. Applicant further provides valid arguments clearly distinguishing the present claims, as amended, over the prior art provided by the Examiner.

Applicant herein amends claims 16 and 19 to positively recite a portable playback device enabled for connection to a user's computer and receiving the transmitted e-mails, wherein the email server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer, and upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer or portable device to transmit the emails wirelessly, directly to the user's portable device. For convenience, and as an aid in prosecution, applicant reproduces independent claim 16 below as amended.

Claim 1 as amended now recites:

16. *(amended) A system for delivering emails to a user, comprising:
a network-connected server for receiving and processing the emails files;*

a data base at the network server for storing user preferences used by the network-connected server for processing the emails;

a wireless transmission facility in communication with the network-connected server, for transmitting the emails; and

a portable playback device enabled for connection to a user computer and receiving the emails transmitted by the transmission facility and to display the emails as text to the user;

wherein the email server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer, and upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device.

Applicant's independent claim 19 recites applicant's method for practicing the invention in accordance with the limitations of independent claim 16, and has been similarly amended.

Applicant now wishes to direct the Examiner's attention to applicant's specification, with reference to figures 1 and 2, which teach an Internet-based media delivery system and presentation device respectively, according to an embodiment of the present invention. Applicant's specification teaches, with reference to figure 2, a cradle (not illustrated) connected to the user's computer adapted for stationing playback device 110. As described beginning on page 9 of applicant's specification according to an embodiment of the invention, a stationary cradle may have its own memory and circuitry allowing it to interact with the host server 120 (figure 1) so that e-mails can be downloaded independent of playback device 110 and then transferred to playback device 110 when interface with the user's connected computer.

Referring now to applicant's specification with reference to figure 1 according to an embodiment of the present invention, a brief connection to the Internet network is made from the user's computer 123 when playback device 110 is disengaged from the

user's computer and upon disconnection a code is sent to the host server 120 indicating that the subscriber is now in the field, and similarly a code could be sent again to the host server 120 when the user reconnects the playback device 110 to the user's PC 123 indicating that the playback device is no longer in the field.

An important aspect of applicant's invention is the capability to download e-mails from the host server to the user's computer, transfer the e-mails from the computer to the portable playback device connected to the computer, and then reviewing said e-mails via display by the portable device in the field at the user's convenience. Applicant's invention teaches that the user, with the portable playback device connected to the user's network-connected computer, may download the e-mails from the host e-mail server via Internet connection to the user's computer, and then transfer the e-mails to the portable device connected to the user's computer, whereby the user may review the e-mails from the portable device in the field at the user's convenience, independently of the user's network connected computer. However, when the user chooses to enter the field with the portable device, the portable device is disengaged from the user's computer at which time a code is sent to the host e-mail server by either the user's computer or the portable playback device, instructing the host server to switch e-mail transmission to the user via a wireless transmission facility (122, figure 1), so that updates and new e-mails may be received by the user in the field independently of the user's Internet-connected computer. Applicant's invention teaches different e-mail delivery paths depending on whether or not the portable playback device is connected to the user's Internet-connected computer, and the host e-mail server knows at any given time, by code received from the user's PC or portable playback device, which delivery path to take, either transmission of e-mails over the Internet to the user's PC while the portable device is connected to the PC, or via wireless transmission directly to the portable device upon disconnection of the device from the user's PC. Applicant believes this aspect to be clearly patentable over the prior art presented, as the combined prior art fails to teach or suggest this capability.

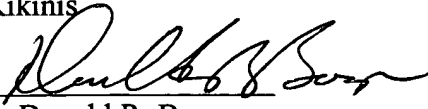
The reference of Eggleston teaches a method and apparatus for communicating summarized data to the user wherein a review mechanism is provided to users for

determining whether to transfer data that otherwise fails selected filter parameters. However, the Eggleston invention neither teaches or suggests the capability of automatically switching transmission paths between the host e-mail server to the user portable device, and between a wireless transmission facility directly to the user portable device, depending on whether or not the portable device is connected to the user computer or not. Applicant therefore believes that Eggleston clearly fails as a primary reference in the Examiner's above prima facie rejection of applicant's independent claims.

The Examiner has rejected applicant's depending claims 18 and 21 under 35 U.S.C. 103(a) as being unpatentable over Eggleston in view of Wicks, relying on the secondary reference for teaching that the network is the Internet network. In view of applicant's above arguments pertaining to the primary reference of Eggleston, however, the combined references fail to teach or suggest all of the limitations of applicant's independent claims as amended and argued above by applicant. The depending claims are therefore patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration after Final, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
Dan Kikinis

by 
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457